

CHAPTER NO. 579

SENATE BILL NO. 2100

By Fowler, Curtis S. Person, Jr., Crowe, Trail

Substituted for: House Bill No. 2528

By Sharp, Matheny, Bunch, Vincent, Eldridge, Stanley, Rowland, Gresham, Wood, Black, Lynn, Phillip Johnson, Coleman, Bittle, Roach, Brenda Turner, Montgomery, DuBois, Brown

AN ACT to amend Tennessee Code Annotated, Title 33; Title 63; Title 67 and Title 68, relative to medical practitioners practicing in certain clinics.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding the following as a new appropriately designated part:

Section 63-1-201. As used in this part, unless the context otherwise requires:

(1) "Free health clinic" means a health care facility operated by a nonprofit private entity that does not receive payment for its services and does not impose any charges on the individuals to whom services are rendered.

(2) "Medical practitioner" means a:

(A) Physician licensed under Title 63, Chapter 6 or 9;

(B) Dentist or dental hygienist licensed under Title 63, Chapter 5;

(C) Nurse licensed under Title 63, Chapter 7;

(D) Chiropractor licensed under Title 63, Chapter 4;

(E) Psychologist licensed under Title 63, Chapter 11;

(F) Social worker licensed under Title 63, Chapter 24;
and

(G) Physician assistant licensed under Title 63, Chapter 19.

(3) "Special volunteer license" means a license awarded to a medical practitioner whose sole practice is rendering professional services without remuneration in a free health clinic at a specified site or setting. The practitioner must have been previously issued a license to practice in this state or another state and the practitioner must never have been the subject of disciplinary action. The licensing authority shall require an application and relevant documentation before issuing the special volunteer license. No fee may be charged for an application or issuance of the special license.

Section 63-1-202. Medical practitioners, who practice in a free health clinic and who do not receive monetary remuneration for medical care and other services rendered within the statutory scope of practice for such practitioner, shall not be subject to:

(1) Any fees for a special volunteer license from the practitioner's licensing board; or

(2) The privilege tax on occupations imposed by Title 67, Chapter 4, Part 17.

Section 63-1-203. A medical practitioner or a free health clinic may not receive any compensation for services rendered, including, but not limited to, reimbursement from an individual or from any third party payor. Reimbursement may not be accepted from any insurance policy or health plan or federal or state benefits program. A clinic may receive donations and gifts.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section to be appropriately designated:

63-6-235. A physician licensed pursuant to this chapter under a special volunteer license who is a medical practitioner, as defined by §63-1-201, engaged in practice at a free health clinic shall not be subject to license fees under this chapter. The board of medical examiners may issue a special volunteer license, as such license is defined in Section 63-1-201, to qualified applicants without fee or charge. Such license shall be for a period of two (2) years and may be renewed on a biennial basis.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 9, is amended by adding the following as a new section to be appropriately designated:

63-9-115. A physician licensed pursuant to this chapter under a special volunteer license who is a medical practitioner, as defined by §63-1-201, engaged in practice at a free health clinic shall not be subject to license fees under this chapter. The board of osteopathic examination may issue a special volunteer license, as such license is defined in Section 63-1-201, to qualified applicants without fee or charge. Such license shall be for a period of two (2) years and may be renewed on a biennial basis.

SECTION 4. Tennessee Code Annotated, Title 63, Chapter 5, Part 1, is amended by adding the following as a new section to be appropriately designated:

63-5-134. A dentist or a dental hygienist licensed pursuant to this chapter under a special volunteer license who is a medical practitioner, as defined by §63-1-201, engaged in practice at a free health clinic shall not be subject to license fees under this chapter. The board of dentistry may issue a special volunteer license, as such license is defined in Section 63-1-201, to qualified applicants without fee or charge. Such license shall be for a period of two (2) years and may be renewed on a biennial basis.

SECTION 5. Tennessee Code Annotated, Title 63, Chapter 7, Part 2, is amended by adding the following as a new section to be appropriately designated:

63-7-210. A nurse licensed pursuant to this chapter under a special volunteer license who is a medical practitioner, as defined by § 63-1-201,

engaged in practice at a free health clinic shall not be subject to license fees under this chapter. The board of nursing may issue a special volunteer license, as such license is defined in Section 63-1-201, to qualified applicants without fee or charge. Such license shall be for a period of two (2) years and may be renewed on a biennial basis.

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 4, Part 1, is amended by adding the following as a new section to be appropriately designated:

63-4-124. A chiropractor licensed pursuant to this chapter under a special volunteer license who is a medical practitioner, as defined by §63-1-201, engaged in practice at a free health clinic shall not be subject to license fees under this chapter. The board of chiropractic examiners may issue a special volunteer license, as such license is defined in Section 63-1-201, to qualified applicants without fee or charge. Such license shall be for a period of two (2) years and may be renewed on a biennial basis.

SECTION 7. Tennessee Code Annotated, Title 63, Chapter 11, Part 2, is amended by adding the following as a new section to be appropriately designated:

63-11-225. A psychologist licensed pursuant to this chapter under a special volunteer license who is a medical practitioner, as defined by §63-1-201, engaged in practice at a free health clinic shall not be subject to license fees under this chapter. The board of examiners in psychology may issue a special volunteer license, as such license is defined in Section 63-1-201, to qualified applicants without fee or charge. Such license shall be for a period of two (2) years and may be renewed on a biennial basis.

SECTION 8. Tennessee Code Annotated, Title 63, Chapter 23, Part 1, is amended by adding the following as a new section to be appropriately designated:

63-23-110. A person licensed or certified pursuant to this chapter under a special volunteer license who is a medical practitioner, as defined by §63-1-201, engaged in practice at a free health clinic shall not be subject to license fees under this chapter. The board of social worker certification and licensure may issue a special volunteer license, as such license is defined in Section 63-1-201, to qualified applicants without fee or charge. Such license shall be for a period of two (2) years and may be renewed on a biennial basis.

SECTION 9. Tennessee Code Annotated, Title 63, Chapter 19, Part 1, is amended by adding the following as a new section to be appropriately designated:

63-19-115. A physician assistant licensed pursuant to this chapter under a special volunteer license who is a medical practitioner, as defined by § 63-1-201, engaged in practice at a free health clinic shall not be subject to license fees under this chapter. The board of medical examiners and its committee on physician assistants may issue a special volunteer license, as defined in Section 63-1-201, to qualified applicants without fee or charge. Such license shall be for a period of two (2) years and may be renewed on a biennial basis.

SECTION 10. Tennessee Code Annotated, Title 67, Chapter 4, Part 17, is amended by adding the following as a new section:

Section 67-4-1710. A medical practitioner who has been issued a special volunteer license for practice at a free health clinic, as such terms are

defined in Title 63, Chapter 1, Part 2, shall be exempt from the tax imposed by this part.


SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: April 19, 2004



JOHN S. WILDER
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 3rd day of May 2004



PHIL BREDESEN, GOVERNOR